

MR2707-37

Serial Number: 10/618,620

Reply to Office Action dated 21 November 2005

AMENDMENTS TO THE DRAWINGS

The attached sheet of a Drawing includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1.

Attachment: One (1) replacement sheet.

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Office Action dated 21 November 2005. Responsive to the objections and rejections made in the Official Action, Claims 1, 10 and 11 have been amended to clarify the language thereof. With such amendment of Claims, there is a further clarification of the pending Claims' recitations.

In the Official Action, the Examiner objected to the Specification due to the fact that assigned SEQ ID NO's had not been used to identify each sequence listed, as required under 37 C.F.R. § 1.821(d). The Examiner required that the "brief description of the Drawings" should be amended to provide the appropriate sequence identifiers for each of the recited sequences or a new Fig. 1 should be submitted which includes the appropriate sequence identifiers for each of the recited sequences. In response to this objection, the "BRIEF DESCRIPTION OF THE DRAWINGS" has been amended to provide appropriate sequence identifiers for each of the recited sequences and a new Fig. 1 has been submitted which includes the appropriate sequence identifiers for each of the recited sequences. Additionally, the Specification has been amended to provide appropriate sequence identifiers for each of the recited sequences. It is believed that the subject matter disclosed in the Amended Specification was originally disclosed in the Specification and Claims, as filed and the accompanying Drawing Figures. No new matter has been added by the Amendment.

In the Official Action, the Examiner objected to Claims 1 and 11 due to informalities therein. In response to this objection, Claims 1 and 11 have been amended to correct the informalities found therein.

In the Official Action, the Examiner rejected Claims 1-11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1, 10 and 11 have been amended and now particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Additionally, Claims 2-9 have been canceled by this Amendment.

In the Official Action, the Examiner rejected Claims 1-11 under 35 U.S.C. § 112, first paragraph, as not providing enablement for methods for detecting a propensity of any individual to respond effectively to treatment of interferon- α and ribavirin combined therapy where the method comprises detecting the presence of any SNP in the CD81, any CD81 haplotype or any haplotype in a region flanking CD81. In response to this rejection, Claims 1 and 11 have been amended and are believed to be enabling for methods for detecting a propensity of a HCV-infected human to respond effectively to treatment with interferon- α and ribavirin combined therapy where the method comprises detecting the presence of a SNP in the CD81 gene or the presence of a CD81 haplotype and determining that the individual has a propensity to respond effectively to said treatment if the SNP is present; wherein the SNP is selected from the group consisting of T at rs800136, T at rs800137, G at rs800334, and A at pos1989603, T at rs2522012,

and A at rs2522013, and T at rs800335 and wherein the haplotype is a C at rs800136 and a C at rs800137 or the haplotype is TGGCC for the SNP rs800334, pos1989603, rs2522012, rs2522013, and rs800335. Thus, the Claim amendments are believed to overcome the 35 U.S.C. § 112, first paragraph rejection.

The references cited by the Examiner but not used in the rejection are believed to be further remote from the subject inventive concept when patentability considerations are taken into account.

For all of the foregoing reasons, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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